

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JAMES WALKER

PLAINTIFF

v.

CIVIL ACTION NO. 2:19-cv-147-KS-MTP

ROBERT D. RUFFIN and
MERCER TRANSPORTATION CO., INC.

DEFENDANTS

**AGREED ORDER DISMISSING PLAINTIFF'S CLAIMS FOR DIRECT NEGLIGENCE,
AGAINST MERCER TRANSPORTATION CO., INC., WITHOUT PREJUDICE**

COMES NOW, on the *ore tenus* motion of Plaintiff, with agreement and stipulation of Defendants, Robert D. Ruffin and Mercer Transportation Co., Inc., the Court hereby dismisses, without prejudice, the direct negligence claims against Mercer Transportation Co., Inc., as follows:

1. All claims against Mercer Transportation Co., Inc., for direct negligence and liability, including negligent entrustment, training, supervision, and retention, which are contained in Paragraph 15 of the Plaintiff's Complaint are dismissed without prejudice.

2. Nothing in this order impacts Plaintiff's remaining claim of negligence against Robert D. Ruffin or the claim against Mercer Transportation Co., Inc. based on vicarious liability.

IT IS THEREFORE ORDERED that all direct liability claims against Mercer Transportation Co., Inc. are dismissed without prejudice as set forth above. All other claims against the Defendants remain unaffected.

SO ORDERED, this the 12th day of November, 2019.

s/Keith Starrett
United States District Court Judge

AGREED:

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